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on <u>March 26, 2007</u>.

PATENT
Attorney Docket No.: 026507-000100US

TOWNSEND and TOWNSEND and CREW LLP

By: _____ /Janet L. Newmaker/_____
               Janet L. Newmaker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 7477
Sridhar Obilisetty	Examiner: Myriam Pierre
Application No.: 09/752,246	Art Unit: 2654
Filed: December 28, 2000	
For: Transcription Application Infrastructure And Methodology	**RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)**
Customer No.: 20350	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Renewed Petition is being filed in response to the Decision on Petition dated February 13, 2007, which dismissed the Petition for Revival of Application filed October 10, 2006. Submitted herewith is an RCE Transmittal, as well as copies of the Petition for Revival, Petition to Revive, and Amendment which were filed on October 10, 2006.

In view of the foregoing, Applicant submits that all requirements for the grant of the Petition under 37 C.F.R. § 1.137(b) as set forth in the Decision on Petition have now been met, and a formal notification of the reinstatement of this application at an early date is respectfully requested.

If the Petitions Attorney believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: <u>March 26, 2007</u>

/Jason A. Sanders/
Jason A. Sanders
Reg. No. 59,984

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JAS/jln
61005261 v1

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 026507-000100US

First named inventor: Sridhar Obilisetty

Application No.: 09/752,246   Art Unit: 7477

Filed: December 28, 2000   Examiner: Myriam Pierre

Title: TRANSCRIPTION APPLICATION INFRASTRUCTURE AND METHODOLOGY

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (571) 273-8300

> NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

> NOTE: A grantable petition requires the following items:
> (1)   Petition fee;
> (2)   Reply and/or issue fee;
> (3)   Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
> (4)   Statement that the entire delay was unintentional.

1. Petition fee
   ☐ Small entity — fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

   ☒ Other than small entity — fee $ _1500_____ (37 CFR 1.17(m))

2. Reply and/or fee
   A. The reply and/or fee to the above-noted Office action in
       the form of _____ (identify type of reply):

       ☐ has been filed previously on _____.
       ☒ is enclosed herewith.

   B. The issue fee and publication fee (if applicable) of $ _____.
       ☐ has been paid previously on _____.
       ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____ for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☒ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments, to Deposit Account No. __20-1430__.

5. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Milan M. Vinnola/	October 10, 2006
Signature	Date
Milan M. Vinnola	45,979
Typed or printed name	Registration Number, if applicable
Two Embarcadero Center, 8th Floor	(303) 571-4000
Address	Telephone Number
San Francisco, CA 94111	
Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other:_____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office.

October 10, 2006	/Aurora Lowell/
Date	Signature
	Aurora Lowell
	Typed or printed name of person signing certificate

60886553 v1

PATENT
Attorney Docket No.: 026507-000100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 7477
Sridhar Obilisetty	Examiner: Myriam Pierre
Application No.: 09/752,246	Technology Center/Art Unit: 2654
Filed: December 28, 2000	PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
For: TRANSCRIPTION APPLICATION INFRASTRUCTURE AND METHODOLOGY	
Customer No.: 20350	

Mail Stop **Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification mailed January 24, 2006, Applicant hereby petitions to revive the above-identified application under 37 CFR §1.137(b). The patent was unintentionally abandoned for failure to reply to the Final Office Action. The entire delay, including the delay from the date of discovery of the abandonment of the application through the date of this Petition, was unintentional.

Please deduct the petition fee, pursuant to 37 CFR §1.17(m), of $1500.00 from Deposit Account No. 20-1430 of the undersigned. Please charge any additional fees or credit overpayment to the above Deposit Account.

Respectfully submitted,

Dated: October 10, 2006

/Milan M. Vinnola/ _____
Milan M. Vinnola
Reg. No. 45,979

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60886575 v1

PATENT
Attorney Docket No.: 026507-000100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

    Sridhar Obilisetty

Application No.: 09/752,246

Filed: December 28, 2000

For: TRANSCRIPTION APPLICATION
INFRASTRUCTURE AND
METHODOLOGY

Customer No.: 20350

Confirmation No. 7477

Examiner: Myriam Pierre

Technology Center/Art Unit: 2654

AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE EXAMINING
GROUP 2654

Mail Stop **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

        In response to the Final Office Action mailed July 1, 2005 on the above-referenced application, please enter the following amendments and remarks:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

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Amdt. dated October 10, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2654

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Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.   (Currently Amended) A method for capturing and transcribing information from a voice file, said method comprising:

a Web server providing instructions from a Web server to a first remote device via the Internet, wherein said instructions are for implementing a user interface according to user preferences, said user interface comprising an audible message that is accessed via a speech portal to guide a user through a process for transmitting a voice file for transcription;

(a)   said Web server receiving at said Web server via the Internet a voice file from said first remote device from said user, said voice file comprising digitized data representing a recorded message that is recorded using said speech portal;

(b)   said Web server sending said voice file from said Web server to a remote transcription service provider via the Internet;

(c)   said Web server receiving at said Web server via the Internet a transcript file from said remote transcription provider, said transcript file comprising a transcribed version of said recorded message; and

(d)   said Web server distributing from said Web server said transcribed version to a second remote device.

2.   (Original) The method as recited in Claim 1 wherein said information is a medical record.

3.   (Previously Presented) The method as recited in Claim 1 wherein said voice file is received from a computer system communicatively coupled to a telephone, wherein said recorded message is recorded by said computer system from said telephone and wherein said recorded message is digitized by said computer system.

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4.   (Previously Presented) The method as recited in Claim 1 wherein said voice file is received from a dictation device communicatively coupled to a telephone, wherein said recorded message is recorded by said dictation device from said telephone and wherein said recorded message is digitized by said dictation device, and wherein said voice file is received from said dictation device without using a port of said dictation device.

5.   (Previously Presented) The method as recited in Claim 1 further comprising:

monitoring status of a voice file.

6.   (Canceled)

7.   (Previously Presented) The method as recited in Claim 1 comprising:
sending said transcribed version of said recorded message to a facsimile machine.

8.   (Previously Presented) The method as recited in Claim 1 comprising:
sending said transcript file to a remote device operable to print said transcribed version.

9.   (Previously Presented) The method as recited in Claim 1 comprising:
sending said transcribed version of said recorded message to a remote device operable to display said transcribed version.

10.   (Previously Presented) The method as recited in Claim 9 comprising:
sending said voice file to a remote device operable to make said voice file audible.

11.   (Currently Amended) A computer system comprising:
a bus;
a memory unit coupled to said bus; and

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a processor coupled to said bus, said processor for executing a method for capturing and transcribing information <u>from a voice file</u>, said method comprising:

providing instructions to a first remote device via the Internet, wherein said instructions are for implementing a user interface according to user preferences, said user interface comprising an audible message that is accessed via a speech portal <u>to guide a user through a process for transmitting a voice file for transcription</u>;

(a) receiving via the Internet a voice file from said first remote device <u>from said user</u>, said voice file comprising digitized data representing a recorded message that is recorded using said speech portal;

(b) sending said voice file to a remote transcription service provider via the Internet;

(c) receiving via the Internet a transcript file from said remote transcription provider, said transcript file comprising a transcribed version of said recorded message; and

(d) distributing said transcribed version to a second remote device.

12. (Original) The computer system of Claim 11 wherein said information is a medical record.

13. (Previously Presented) The computer system of Claim 11 wherein said voice file is received from a computer system communicatively coupled to a telephone, wherein said recorded message is recorded by said computer system from said telephone and wherein said recorded message is digitized by said computer system.

14. (Previously Presented) The computer system of Claim 11 wherein said voice file is received from a dictation device communicatively coupled to a telephone, wherein said recorded message is recorded by said dictation device from said telephone and wherein said recorded message is digitized by said dictation device, and wherein said voice file is received from said dictation device with using a port of said dictation device.

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15.   (Previously Presented) The computer system of Claim 11 wherein said method comprises:

monitoring status of a voice file.

16.   (Canceled)

17.   (Previously Presented) The computer system of Claim 11 wherein said method comprises:

sending said transcribed version of said recorded message to a facsimile machine.

18.   (Previously Presented) The computer system of Claim 11 wherein said method comprises:

sending said transcript file to a second remote device operable to print said transcribed version.

19.   (Previously Presented) The computer system of Claim 11 wherein said method comprises:

sending said transcribed version of said recorded message to a third remote device operable to display said transcribed version.

20.   (Previously Presented) The computer system of Claim 11 wherein said method comprises:

sending said voice file to a remote device operable to make said voice file audible.

21.   (Currently Amended) A computer-usable medium having computer-readable program code embodied therein for causing a computer system to perform a method comprising:

providing instructions to a first remote device via the Internet, wherein said instructions are for implementing a user-interface according to user preferences, said user

interface comprising an audible message that is accessed via a speech portal to guide a user through a process for capturing and transmitting a voice file for transcription;

      (a)   receiving via the Internet a voice file from said first remote device from said user, said voice file comprising digitized data representing a recorded message that is recorded using said speech portal;

      (b)   sending said voice file to a remote transcription service provider via the Internet;

      (c)   receiving via the Internet a transcript file from said remote transcription provider, said transcript file comprising a transcribed version of said recorded message; and

      (d)   distributing said transcribed version to a second remote device.

      22.   (Original) The computer-usable medium of Claim 21 wherein said information is a medical record.

      23.   (Previously Presented) The computer-usable medium of Claim 21 wherein said voice file is received from a computer system communicatively coupled to a telephone, wherein said recorded message is recorded by said computer system from said telephone and wherein said recorded message is digitized by said computer system.

      24.   (Previously Presented) The computer-usable medium of Claim 21 wherein said voice file is received from a dictation device communicatively coupled to a telephone, wherein said recorded message is recorded by said dictation device from said telephone and wherein said recorded message is digitized by said dictation device, and wherein said voice file is received from said dictation device without using a port of said dictation device.

      25.   (Previously Presented) The computer-usable medium of Claim 21 wherein said computer-readable program code embodied therein causes a computer system to perform said method comprising:

      monitoring status of a voice file.

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26.   (Canceled)

27.   (Previously Presented) The computer-usable medium of Claim 21 wherein said computer-readable program code embodied therein causes a computer system to perform said method comprising:

      sending said transcribed version of said recorded message to a facsimile machine.

28.   (Previously Presented) The computer-usable medium of Claim 21 wherein said computer-readable program code embodied therein causes a computer system to perform said method comprising:

      sending said transcript file to a second remote device operable to print said transcribed version.

29.   (Previously Presented) The computer-usable medium of Claim 21 wherein said computer-readable program code embodied therein causes a computer system to perform said method comprising:

      sending said transcribed version of said recorded message to a third remote device operable to display said transcribed version.

31.   (Previously Presented) The computer-usable medium of Claim 21 wherein said computer-readable program code embodied therein causes a computer system to perform said method comprising:

      sending said voice file to a remote device operable to make said voice file audible.

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REMARKS/ARGUMENTS

Claims 1-5, 7-15, 17-25 and 27-30 were pending in this application. Claims 1, 11,, and 21 have been amended. No claims have been added or canceled. Hence, claims 1-5, 7-15, 17-25 and 27-30 remain pending. Support for the present amendments may be found, e.g., in the specification at least at pg. 18, first full paragraph, *etc.* As such, no new matter enters by way of the present amendment. Further, the claim amendments are intended to clarify the language of the claims as previously presented, and as such should not present issues requiring further search and consideration. Entry of the amendment and reconsideration of the subject application as amended is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-5, 7-15, 17-25 and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,738,784 to Howes, *et al.* (hereinafter "Howes"), in view of the cited portions of U.S. Patent No. 6,175,822 to Jones, *et al.* (hereinafter "Jones"). This rejection is respectfully traversed for at least the reasons which follow.

The presently claimed invention is directed to a method for capturing and transcribing information from a voice file, and to related systems and medium. The method includes providing instructions to a first remote device via the Internet for implementing a user interface according to user preferences. In accordance with the claimed invention, the user interface comprises an audible message that is accessed via a speech portal to guide a user through a process for transmitting a voice file for transcription. The voice file is then received via the Internet from the first remote device from the user, and sent to a remote transcription service provider via the Internet for transcription to a transcript file. The transcript file is then received back via the Internet from the remote transcription provider and distributed to a second remote device.

Whatever else Howes may disclose, as explained in the previous response, Howes does not teach or suggest a user interface which comprises an audible message that is accessed

via a speech portal. More particularly, Howes does not teach or suggest a user interface which includes an audible message to guide a user through a process for transmitting a voice file for transcription.

In this regard, in support of the rejection, the Office Action cites to the recovery software module 132 of Howes, and alleges that such module is a user interface according to user preferences comprising an audible message that is accessed via a speech portal. Applicants respectfully traverse. A storage mechanism for recording and recovering dictation does not teach or suggest the claimed user interface. Moreover, the claims have been amended to clarify that the audible message guides the user through the process for transmitting the voice file for transcription. There is no teaching in Howes that the recovery software module includes an audible message to guide the user in this regard, nor any suggestion to modify the teachings of Howes so as to arrive at such a configuration.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The teaching or suggestion to make the claimed combination must be found in the prior art, and not be based on applicant's disclosure. *See* M.P.E.P. §§ 2143.01 and 2143.03.

Again, there is no teaching or suggestion in Howes that would motivate one of skill in the art to modify the systems and methods of Howes so as to arrive at a configuration so as to provide a user interface with an audible message to guide a user through the transcription process. Absent such a teaching or suggestion, Howes fails to render the present claims unpatentable. For at least these reason, withdrawal of this rejection is respectfully requested.

Jones does nothing to remedy this deficiency. Even assuming, *arguendo*, that one of skill in the art would look to incorporate the web server of Jones into the systems and methods of Howes, there is still no motivation to provide the user interface of the presently claimed invention. For at least this additional reason, withdrawal of this rejection is respectfully requested.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Dated: October 10, 2006

/Milan M. Vinnola/
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